

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14512, of the Gospel Spreading Church Association, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the parking requirements (Sub-section 7202.1) and the loading berths, loading platform and service berth requirements (Sub-section 7302.1) to construct a three story retail/office building in a C-M-2 District at premises 2000, 2002, 2004, 2012, and 2014 Georgia Avenue, N.W. and 701, 703, and 705 Florida Avenue, N.W., (Square 2877, Lot 969).

HEARING DATE: December 10, 1986

DECISION DATE: December 10, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site is known as premises 2000, 2002, 2004, 2012 and 2014 Georgia Avenue, N.W. and 701, 703 and 705 Florida Avenue, N.W. The site is located at the northwest corner of the intersection of Georgia and Florida Avenues. It is in the C-M-2 District.

2. The site comprises 14,085 square feet with a frontage of approximately 130 feet along Florida Avenue and a frontage of approximately 156 feet along Georgia Avenue. The site is improved with two and three-story vacant structures and a parking lot, a 16 foot wide public alley is located west of the property line.

3. The C-M-2 District extends to the north of the site. A C-M-1 District is located to the south of Florida Avenue and west of 8th Street which is the western boundary of Square 2877. A C-M-3 District is located to the east of the site. The neighborhood of the site is undergoing redevelopment. A new People's Drug Store building is being constructed across the street from the site on the south side of Florida Avenue. Construction of a Metro line is also underway in the area.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicant is seeking variances from the parking requirements (Sub-section 7202.1) and the loading berths, loading platform and service berth requirements (Sub-section 7302.1) to construct a three story retail/office building at the site.

5. The proposed structure would have a net leasable space of 32,000 square feet. The first two floors will be used for retail services and the third floor will be leased to the Gospel Spreading Church for its offices and meeting rooms. The new building will conform in design with the existing building at the intersection and with the new building being constructed on Parcel 25 (the southwest corner of the intersection).

6. A four foot easement will be provided on the west of the site in effect enlarging the 16 foot wide public alley to a 20 foot wide alley way.

7. Nineteen regulation size parking spaces can be provided in the underground parking garage located on the site. The garage is accessed by a 24.8 foot wide driveway on Georgia Avenue. By providing stacked parking in the garage at least 29 parking spaces will be available. Employees working in the building all day can utilize the stacked parking spaces.

8. Much of the retail/commercial space in the building will be devoted to uses related to the nearby Howard University Hospital as a result. Many visitors to the site will already have their parking need accommodated.

9. The site is well served with bus transportation. The future Metro Station will be within walking distance of the site.

10. Two loading berths and platforms will be provided at the site. Trucks would reach the loading berth by proceeding along Florida Avenue and into the alley that is immediately on the westernmost side of the property. Tractor/trailer trucks will then back into the loading berth to the platform which is located at the northwest corner of the building approximately 48 feet south of the rear lot line. Three-quarter ton pick-ups delivering smaller items will be able to back into an area on the west of the site located approximately 34 feet east of the public alley.

11. The trash receptacle for the building will be located on the interior of the structure.

12. By report dated November 26, 1986, the Office of Planning (OP) recommended that the application be approved subject to a favorable report from the Department of Public Works (DPW). The OP reported that the proposed variances were requested on the basis of physical constraints of the site and practical difficulties encountered in meeting the requirements of the Zoning Regulations.

13. The Department of Public Works (DPW) by memorandum dated November 26, 1986, reported on the street and transit system serving the site.

°The site is situated on a corner lot bounded by two intersecting arterials. Georgia Avenue fronts the property on the east side, and Florida Avenue bounds the property on its southern perimeter. A 16 foot-wide north/west through alley bounds the property on the west. Eighth Street is located west of the site.

°Georgia Avenue is a principal arterial with two-way traffic, a 49 foot-wide pavement and a 90 foot-wide right-of-way. It has an average daily traffic volume (ADT) of 22,300 vehicles. One hour metered parking is in effect in the east curb lane from 9:30 A.M. to 4:00 P.M. Two hour metered parking is in effect in the west curb lane from 9:30 A.M. to 4:00 P.M. Parking is prohibited on both sides of the street during morning and evening rush hour periods.

°Florida Avenue is a principal arterial with two-way traffic, 56 foot-wide pavement and a 80 foot-wide right-of-way. It has an ADT of 28,000 vehicles. One hour non-metered parking is in effect from 9:30 A.M. to 4:00 P.M. in the south curb lane.

°Eighth Avenue is a 30 foot-wide local street with residential permit parking in effect on the west side of the street, and no parking allowed anytime on the east side of the street.

°The site is well served by transit with 10 Metrobus routes within two blocks of the site. Also, the planned opening of the Metrorail green line with an entrance approximately two-blocks from the site, at Vermont and Florida Avenues, will provide a high level of transit service to the site. It is expected that this level of transit service will substantially reduce the reliance by building employees on the automobile as the primary means of travel to their work destination.

The Council of Governments projected transit modal split for home based work trips to the site is approximately 46 percent. However, surveys have demonstrated that actual transit use at building sites can be considerably higher than expected when transit availability is frequent and easily accessible. We expect that transit use by employees at the subject sit could approach 60 percent given the convenience of transit and the lack of available off-street parking in the area.

The DPW further reported as to the impact of the proposal.

The proposed location of an office/retail establishment at this intersection would serve as an enhancement to the use of the transit system in the area and particularly to the use of the Metrorail green line which is under construction near the site. The subject development could generate between 15 and 25 vehicles during the A.M. and P.M. peak hour period. The existing traffic on the street system, although high, can absorb this marginal increase in traffic without any adverse impacts.

The DPW reported that it did not expect that the variance in the number of parking spaces being provided will have more than a minimal impact on traffic conditions in the long run. It predicted that with the availability of the Metrorail station that the demand for parking will be off-set by the convenience of transit service to the area.

The DPW anticipates that with the future development of other commercial properties in the area there will likely be a surplus of available commercial parking in the area.

The DPW further reported that the proposed variance in the number of loading berths could pose conditions which would result in on street loading problems due to the lack of sufficient off-street loading at the site. Therefore, it would be desirable to have two on site 30 foot loading berths.

DPW recommended the following design changes which it reported are necessary to mitigate potential traffic conflicts between the site generated traffic and the on-street flow of traffic and pedestrians:

- a. The proposed loading berth on Florida Avenue should be moved to an alternate location off the 16 foot-wide public alley which abuts the property line on the west. The proposed location is unacceptable because of the heavy volume of traffic on Florida Avenue and the dangerous conditions which would result from backing and turning maneuvers at this location.
- b. The loading berths should be designed for back-in accessibility and be located parallel to the property line as is the existing loading berth. The circulation plan should be designed so that trucks must enter from Florida Avenue, pull into the alley past the loading berth and then back into the loading

berth. The applicant should coordinate the loading plan with the Department of Public Works, Office of Policy and Planning.

- c. A sign should be posted stating where the loading berths are located. Such sign shall be located in a prominent place at the building entrance and have a white background with black lettering which is no less than two inches in height.
- d. The DPW also recommended that a two foot-wide easement area be provided off the 16 foot-wide public alley effectively widening it to an 18 foot wide alley along the western perimeter of the site. This would provide for a more accessible circulation system through the alley and would complement the remaining portion of the alley north of the site which is currently 20 feet in width.
- e. On-site trash pick-up space should be provided off the alley system at the rear of the building for the location of a trash dumpster. This area should have a minimum dimension of 10 X 10 feet square and be located so as not to interfere with access to the loading berth.

The Board concurs with the recommendations of the DPW and finds that the applicant's revised plans reflect these recommendations.

14. By letter dated December 3, 1986, Advisory Neighborhood Commission (ANC) 1B, reported its support for the application provided that the applicant will not establish a "fast food restaurant" as defined in the Zoning Regulations at the site. The ANC stated that the community already suffers adverse affects from this use in terms of parking and traffic congestion, loitering, late night activity and discarded fast food containers. ANC - 1B noted that the application would have no substantial adverse community impact, in fact, this project should provide community benefits in terms of (a) potential employment and business opportunities, (b) aesthetic enhancement of the neighborhood through the improvement of a vacant blighted property, and (c) the increased availability of retail and commercial services. The Board concurs with the recommendation of the ANC.

15. A resident living within the boundaries of ANC - 1B was allowed to testify in opposition to the application although she was not given party status. She stated that the proposed building was of questionable architectural

value. The Board finds that the applicant is seeking an area from parking and loading requirements only. All other construction is matter-of-right. An architectural review of the structure is beyond the jurisdiction of the Board.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

Sub-section 7202.1 of the Zoning Regulations requires that 47 parking spaces be provided on the site. The applicant will be providing 19 regulation size parking spaces necessitating a variance of 28 spaces or 59.57 percent. Sub-section 7302.1 requires the applicant to provide two loading berths 30 feet deep each and one service berth 20 feet deep and two loading platform of 100 square feet each. The applicant will be providing two loading berths and platforms per the recommendation of DPW.

The Board concludes that the applicant has met the burden of proof. The applicant can not reasonable provide more parking on the site because the ramp which is necessary to access garage demands a portion of the site. The Board notes that the applicant will be providing at least 29 parking spaces on the site although they will not all meet the size specified by the regulations. The Board further concludes that the parking demands generated by the building will not have a substantial negative effect on the neighborhood. The loading berths and docks will be constructed and used in accordance with the recommendations of DPW.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. The Board further concludes that it has accorded the ANC the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

- A. Construction shall be in accordance with the plans marked as Exhibit No. 11 and revised plan 24 of the record.

- B. The building will not be occupied by a fast food operation.
- C. A sign shall be posted in a prominent place at the building entrance stating where the loading berths are located. The sign shall have a white background with black lettering no less than two inches in height.
- D. A four foot-wide easement area shall be provided off the 16 foot-wide public alley to the west of the site effectively widening the alley to 18 feet.

VOTE: 3-0 (Charles R. Norris, William F. McIntosh, Carrie L. Thornhill to grant; Paula L. Jewell abstaining).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: FEB 12 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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